

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49989 of 2021**

Arising Out of PS. Case No.-46 Year-2021 Thana- ALIPUR District- Gaya

Matendra Das @ Mahendra Das Son of Late Munshi Das Resident of Village
- Dihura, P.S.- Alipur, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 17-12-2021 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of Covid 19 pandemic, requiring social distancing.

Heard learned counsel for the petitioner and learned A.P.P. for the State, Ms. Indu Kumari Srivastava.

The petitioner seeks regular bail in connection with Alipur P.S. Case No. 46 of 2021 instituted for the offence under Section 30 (a) of Bihar Prohibition & Excise Amendment Act, 2018.

Learned counsel for the petitioner submits that the petitioner is in custody since 15.04.2021 and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that



allegation is recovery of one liter of Mahua from the house of the petitioner.

Learned counsel for the petitioner submits that it is a joint property as such he was not aware who had kept one liter of the said liquor.

Learned counsel for the petitioner submits that it absolutely does not stand to reason that for one liter of Mahua liquor, the petitioner has remained in custody from 15.04.2021. Even, the learned Court below perhaps, it seems missed an important fact that the recovery was only of one liter of Mahua liquor.

Learned counsel for the petitioner further submits that the learned court below should be directed to be more sympathetic in such cases or else persons like petitioner will rot in jail and would be a burden on the taxpayers.

Learned A.P.P. for the State is also not in a position to oppose the prayer for regular bail of the petitioner considering the period of custody of the petitioner in the nature of the allegation as alleged in the FIR.

Considering the fact that the petitioner is in custody since 15.04.2021, charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing



bail bond of Rs. 500/- (Rupees Five Hundred only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II cum Special Judge Excise, Gaya in connection with Alipur P.S. Case No. 46 of 2021 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

Gaurav Kumar/-

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